REMARKS/ARGUMENTS

The November 18, 2003 Office Action has rejected claims 6 – 12 under 35 U.S.C. § 112. In light of the amendments above and the arguments below, Applicants respectfully request reconsideration.

Priority Information

Applicants have corrected priority information as requested by the Examiner.

Filing Date

Applicants note that the filing date listed for the application (June 26, 2002) is incorrect. Applicants enclose a copy of a Decision on Petition granting a filing date of August 29, 2001. Applicants request that the filing date be corrected on the Examiner's paperwork and that a updated Filing Receipt be transmitted.

§ 112, Second Paragraph

Claims 6 – 10 and 11 are rejected under 35 U.S.C. § 112, second paragraph. Claims 6 and 11 are rejected as vague and indefinite in the recitation of "a fragment of glycoprotein O." Although Applicants do not agree with the Examiner's analysis, in the interest of speedy prosecution Applicants have removed this phrase from claims 6 and 11. Claim 7 has been cancelled.

Claims 8 – 10 are rejected as unclear. Applicants apologize for a typographical error. These claims were meant to depend from claim 6 and a correction has been made.

§ 112, First Paragraph

Claims 6 – 12 were rejected under 35 U.S.C. § 112 as failing to enable. Applicants disagree with the Examiner's analysis. Applicants have amended claim 6 to further clarify the invention. Applicants have replaced the word "vaccine" with "composition" to emphasize that Applicants are describing a composition capable of diminishing or neutralizing an infection.

Applicants draw the Examiner's attention to the specification, page 4, beginning on line 9. Applicants demonstrate in the specification that anti-gO antibodies have viral neutralizing activity by means of the virus entry assay described in Pietropaolo and Compton, J. Virol. 71(12):9803-9807, 1997. Applicants observed a dose-dependent inhibition of CMV infection in the presence of anti-gO serum. Applicants note that there is no accepted animal model for CMV infection.

Applicants understanding of enablement is not that the Patent Office require animal testing *per se* but that Applicant supply "a written description of the invention, and the manner and process of making and using it, such that a full, clear, concise and exact terms as to enable any person of skill in the art to which it pertains . . . to make and use the same . . . ."

Applicants believe that they have met this standard in the particular field of CMV infection, where no acceptable animal model is available, and that those of skill in the art would look to *in vitro* assays to evaluate therapeutic candidates. One of skill in the art would observe that Applicants teach the use of CMV glycoprotein O to neutralize a CMV infection *in vitro*. Applicants assert that one of skill in the art would apply this teaching in a clinical application and obtain Applicants' predicted result: neutralization of CMV infection in a CMV patient.

Applicants believe the claims are now in condition for allowance. Applicants believe that no fees are necessary. However, if any fees are necessary, please charge Deposit Account 17-0055.

Respectfully submitted,

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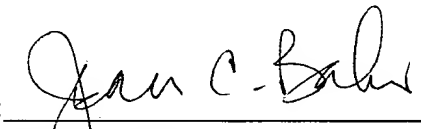
By: 

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